

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

MICHAEL VALENTE, et al.,
Plaintiffs,

V.

DANIEL M. FRENCH., et al.,
Defendants.

Civil Action No. 2:20-cv-135

STIPULATED MOTION TO STAY

The parties hereby move to stay this litigation sixty days to permit settlement negotiations to proceed.

Memorandum

Plaintiffs commenced this action on September 9, 2020. They filed the operative First Amended Complaint on February 10, 2021. Defendants moved to dismiss. On August 16, 2021, this Court granted in part and denied in part the motions to dismiss. Defendants moved for extensions of time to file their answers to Plaintiffs' First Amended Complaint until September 29, 2021, which this Court granted. Before that time expired, the parties filed a stipulated motion to stay all proceedings, obligations, and deadlines until the U.S. Supreme Court issued its decision in *Carson v. Makin*, which this Court granted on September 13, 2021. After a status conference on August 4, 2022, the Court further stayed the case through September 3, 2022. The stay then lifted on its own terms on September 3, 2022.

The parties are engaging in productive discussions regarding potential resolution of this matter. The parties therefore believe it would be beneficial and in the interests of judicial economy to further stay this matter to permit settlement negotiations to continue.

“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997) (citation omitted). The Second Circuit considers five factors in granting a stay: “(1) the private interests of the plaintiffs in proceeding expeditiously with the civil litigation as balanced against the prejudice to the plaintiffs if delayed; (2) the private interests of and burden on the defendants; (3) the interests of the courts; (4) the interests of persons not parties to the civil litigation; and (5) the public interest.” *Catskill Mountains Chapter of Trout Unlimited, Inc. v. EPA*, 630 F. Supp. 2d 295, 304 (S.D.N.Y. 2009). The factors favor granting the requested stay. The parties agree that Plaintiffs’ interests will not be prejudiced by staying this matter to permit continuing settlement negotiations. The parties further agree that Defendants will not be burdened by this limited further stay. Moreover, judicial economy favors permitting settlement negotiations to continue.

Once the stay lifts, the parties will file a schedule establishing the deadlines for Defendants’ answers and a discovery schedule with the Court.

DATED this 15th day of September 2022.

/s/ David Hodges

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